

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

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**In re** : **Chapter 9**  
:  
**CITY OF DETROIT, MICHIGAN,** : **Case No. 13-53846**  
:  
: **Debtor.** : **Hon. Steven W. Rhodes**  
:  
:  
-----X Expedited Consideration Requested

**EX PARTE MOTION OF CREDITORS  
FOR SHORTENED NOTICE AND EXPEDITED  
HEARING ON MOTION FOR ADJOURNMENT OF  
CONFIRMATION HEARING AND RELIEF FROM SCHEDULING ORDER**

The Creditors<sup>1</sup> hereby submit this *ex parte* motion (the “**Motion**”)<sup>2</sup> for shortened notice and expedited hearing on the Motion of Creditors for Adjournment of Confirmation Hearing and Relief from Scheduling Order (the “**Motion for Adjournment**”) and respectfully represent as follows:

**Jurisdiction and Venue**

1. This Court has jurisdiction to consider this matter pursuant to 28 U.S.C. §§ 157 and 1334. This is a core proceeding pursuant to 28 U.S.C. § 157(b). Venue is proper before this Court pursuant to 28 U.S.C. §§ 1408 and 1409.

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<sup>1</sup> Financial Guaranty Insurance Company (“FGIC”), Deutsche Bank AG, London, Dexia Crédit Local and Dexia Holdings, Inc., Panning Capital Management, LP, on behalf of funds and accounts managed by it, Monarch Alternative Capital LP, on behalf of funds and accounts managed by it, Bronze Gable, LL.C., Aurelius Capital Management, LP, on behalf of its managed entities, Stone Lion Capital Partners L.P., on behalf of funds and accounts managed by it, and BlueMountain Capital Management, LLC on behalf of funds and accounts managed by it, and the Macomb Interceptor Drain Drainage District (“MIDDD”) join this Motion.

<sup>2</sup> Capitalized terms not defined herein shall have the meanings ascribed to them in the Motion for Adjournment.

### **Relief Requested and Basis for Relief**

2. Pursuant to Bankruptcy Rule 9006(c) and Local Bankruptcy Rule 9006-1(b), this Court may, *ex parte*, shorten the notice period provided by Local Bankruptcy Rule 9014-1 for a party to take any action or file any paper.

3. On September 9, 2014, Syncora and the City filed a joint motion announcing they had reached an agreement in principle resolving Syncora's objections to the Plan. (*Joint Motion of Syncora and the City of Detroit for Adjournment of the Hearing*, dated September 9, 2014 [Docket No. 7379].) Syncora and the City described the agreement as one that "will profoundly alter the course of the proceeding and the litigation plans of the remaining parties." (*Id.*)

4. At the hearing to consider the Joint Motion, counsel for the City confirmed that the terms of the settlement between the City and Syncora, if finalized, will require certain amendments to the Plan, and that the City will file a seventh amended version of the Plan once definitive settlement documentation is complete.

5. The Court granted the Joint Motion, adjourning the Confirmation Hearing until September 15, 2014, and confirmed in a dialogue with counsel for FGIC at the hearing on the Joint Motion that any further adjournment would be addressed via motion.

6. The Creditors have, concurrently herewith, filed the Motion for Adjournment. In the Motion for Adjournment, the Creditors primarily seek: (a) additional time in which to analyze the necessity and scope of questioning certain witnesses and to prepare for such examinations; and (b) relief from the Fifth Amended Scheduling Order to provide expert testimony regarding the value of the consideration to be provided to Syncora and Class 9 pursuant to the settlement and to engage a new expert witness (necessitated by the City's refusal to allow the Creditors to proceed in calling Kevin M. Murphy) to testify about an issue related to pension claims and the City's argument in response to the Creditors' unfair discrimination

objections. For the reasons stated in the Motion for Adjournment, the Creditors seek the immediate entry of an order adjourning the Confirmation Hearing until September 22, 2014.

7. The Creditors respectfully request that, pursuant to Bankruptcy Rule 9006(a) and Local Bankruptcy Rule 9006-1(b), the Court shorten the notice period with respect to the Motion for Adjournment and that an expedited hearing on the Motion for Adjournment be scheduled for Monday, September 15, 2014.

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WHEREFORE, the Creditors respectfully request that the Court enter the Order, substantially in the form attached hereto as **Exhibit 1**, granting the relief requested herein and such other and further relief as the Court may deem just and proper.

Dated: September 14, 2014

Respectfully submitted,

/s/ Mark R. James  
Ernest J. Essad Jr.  
Mark R. James  
WILLIAMS, WILLIAMS, RATTNER &  
PLUNKETT, P.C.  
280 North Old Woodward Avenue, Suite 300  
Birmingham, MI 48009  
Telephone: (248) 642-0333  
Facsimile: (248) 642-0856  
Email: EJEssad@wwrplaw.com  
Email: mrjames@wwrplaw.com

– and –

Alfredo R. Pérez  
WEIL, GOTSHAL & MANGES LLP  
700 Louisiana Street, Suite 1600  
Houston, TX 77002  
Telephone: (713) 546-5000  
Facsimile: (713) 224-9511  
Email: alfredo.perez@weil.com

– and –

Edward Soto  
WEIL, GOTSHAL & MANGES LLP  
1395 Brickell Avenue, Suite 1200  
Miami, FL 33131  
Telephone: (305) 577-3177  
Facsimile: (305) 374-7159  
Email: edward.soto@weil.com

*Attorneys for Financial Guaranty Insurance  
Company*

/s/ Debra L. Fish  
Deborah L. Fish  
ALLARD & FISH, P.C.  
2600 Buhl Building  
535 Griswold  
Detroit, MI 48226  
Telephone: (313) 961-6141  
Facsimile: (313) 961-6142

– and –

KRAMER LEVIN NAFTALIS  
& FRANKEL LLP  
Thomas Moers Mayer  
Jonathan M. Wagner  
1177 Avenue of the Americas  
New York, New York 10036  
Telephone: (212) 715-9100  
Facsimile: (212) 715-8000

*Counsel for Dexia Crédit Local and  
Dexia Holdings, Inc., Panning Capital  
Management, LP, on behalf of funds and  
accounts managed by it, Monarch Alternative  
Capital LP, on behalf of funds and accounts  
managed by it, Bronze Gable, L.L.C., Aurelius  
Capital Management, LP, on behalf of its  
managed entities, Stone Lion Capital Partners  
L.P., on behalf of funds and accounts managed  
by it and BlueMountain Capital Management,  
LLC on behalf of funds and accounts managed  
by it*

/s/ Kenneth E. Noble

Kenneth E. Noble  
John J. Ramirez  
KATTEN MUCHIN ROSENMAN LLP  
575 Madison Avenue  
New York, NY 10022-2585  
Tel: (212) 715-9393  
E-mail: Kenneth.noble@kattenlaw.com  
John. Ramirez@kattenlaw.com

*Counsel for Deutsche Bank AG, London*

/s/ Allan S. Brilliant

Allan S. Brilliant  
Debra D. O’Gorman  
Stephen M. Wolpert  
DECHERT LLP  
1095 Avenue of the Americas  
New York, NY 10016  
Telephone: (212) 698-3500  
Facsimile: (212) 698-3599  
allan.brilliant@dechert.com  
stephen.wolpert@dechert.com

*Attorneys for Macomb Interceptor Drain  
Drainage District*

**EXHIBIT 1**

**Proposed Form of Order**

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

-----X  
In re :  
CITY OF DETROIT, MICHIGAN, : Chapter 9  
Debtor. : Case No. 13-53846  
: Hon. Steven W. Rhodes  
: :  
-----X

**ORDER GRANTING THE CREDITORS'  
EX PARTE MOTION FOR SHORTENED NOTICE AND  
EXPEDITED HEARING ON MOTION FOR ADJOURNMENT OF  
CONFIRMATION HEARING AND RELIEF FROM SCHEDULING ORDER**

This matter coming before the Court on the *EX PARTE MOTION OF CREDITORS FOR SHORTENED NOTICE AND EXPEDITED HEARING ON MOTION FOR ADJOURNMENT OF CONFIRMATION HEARING AND RELIEF FROM SCHEDULING ORDER* (the “**Motion**”)<sup>1</sup> and the Court being fully advised in the premises;

**IT IS HEREBY ORDERED THAT:**

1. The Motion is GRANTED.
2. The hearing with respect to the Motion for Adjournment shall be held on September 15, 2014 before the Honorable Steven W. Rhodes.
3. The terms and conditions of this Order shall be immediately effective and enforceable upon its entry.

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<sup>1</sup> Capitalized terms used and not otherwise defined herein shall have the meanings ascribed to them in the Motion.